IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11926 of 2005

Between:

Pushpalatha Agarwal, W/o.Ramesh Chandra Agarwal
R/o.plot No.15 DK Nagar, Ashwini Layout,
Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1 Commissioner of police, Govt. of Andhra Pradesh, Hyderabad.
2 The Station House office, P.S.Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in interfering with petitioner's rights in respect of petitioner's property bearing H.NO.8-2-277/B, Road No.2 Banjara Hills, Hyderabad and the inaction of respondent No.1 in not taking any action against the 2nd respondent as being illegal, arbitrary, and unconstitutional and consequently direct the respondents not to interfere with petitioners property in any manner.

Counsel for the Petitioner : MR.S.NIRANJAN REDDY

Counsel for the Respondents: GP FOR HOME

The Court, at the stage of admission, made the following :

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ORAL ORDER

The writ petition is filed aggrieved that the 2nd respondent failed to register the complaint of the petitioner dated 29-04-2005 and 09-07-2005. The 2nd respondent has filed a counter-affidavit stating that the answering respondent had not registered the complaint on a misapprehension that the complaint did not disclose a cognizable offence but after receipt of notice from this Court (in this writ petition), has realized that the complaint does make out a cognizable offence and has registered the complaint as Cr.No.488 of 2005 under Sections.448,506 and 188 of the Indian Penal Code,1860 on 12-06-2005 and that investigation is being pursued on the complaint. The counter-affidavit records an apology expressed by the answering respondents for the failure to register the complaint and the respondent has denied the allegations of the petitioner that he is harassing and summoning the petitioner to the police station frequently.

In view of the averments in the counter-affidavit and expression of apology contained, no further proceedings are warranted against the said respondents and grievance of the petitioner also does not survive.

Accordingly, the writ petition is disposed of. No order as to costs.

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GODA RAGHURAM,J

13TH JUNE 2005

*TSNR

TO

1 The Commissioner of police, Govt. of Andhra Pradesh, Hyderabad.
2 The Station House office, P.S.Banjara Hills, Hyderabad.

3. Two CCS to G.P for Home, High Court Buildings, Hyderabad.(OUT(

4. Two C.D.Copies.